

1
2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 v.

8 ALFREDO CARRANZA, JR.,

9 Defendant.

2:11-cr-00012-LDG-RJJ


ORDER

10
11 Defendant Alfredo Carranza filed a motion to suppress evidence obtained during a search
12 of his vehicle (#11, response #17, reply #20, supplemental motion #29, supplemental objection
13 #31). Based on these filings and a hearing, the magistrate judge recommended that this court deny
14 Carranza's motion (#36). Carranza now objects to the magistrate judge's report and
15 recommendation (#40, response #46, reply #47).

16 Among other things, Carranza objects to the magistrate's conclusion that Officer Hawkins
17 had reasonable suspicion based on an alleged violation of Nevada Revised Statutes § 484B.413.
18 Carranza argues that a driver must only signal "if any other vehicle may be affected by such
19 movement," *Id.* § 484B.413(1), and that Officer Hawkins' patrol car, the only other car in the
20 vicinity, could not have been "affected by such movement" because it was approximately one-half
21 of a block behind Carranza's car. The report and recommendation rejected Carranza's argument.
22 That report, however, included an incomplete quotation of § 484B.413. *See* R&R [#36], at 3:21-
23 23 (omitting "upon a highway" from the quoted statutory language). This court cannot adequately
24 evaluate the recommendation to the extent it was based on the omission of potentially relevant
25 statutory language. *Compare* Nev. Rev. Stat. § 484B.413 *with* Nev. Rev. Stat. § 484B.410.
26 Accordingly,

1 THE COURT HEREBY REMANDS Carranza's motion to suppress (#11) for further
2 report and recommendation in light of the foregoing order.

3
4 DATED this 26 day of October, 2011.

5
6 
7 Lloyd D. George
United States District Judge